

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL MINTHORN,

Plaintiff,

Case No. 14-14114

v.

HONORABLE AVERN COHN

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 22)
AND
DISMISSING CASE

I.

This is a social security case. Plaintiff filed this action seeking judicial review of an unfavorable decision regarding his disability benefits. The matter was referred to a magistrate judge for all pretrial proceedings. On June 17, 2016, the magistrate judge issued a report and recommendation (MJRR), recommending that case be dismissed with prejudice for failure to prosecute under Fed. R. Civ. P. 41(b) and because substantial evidence supports the Commissioner's decision that plaintiff is not disabled. (Doc. 22). As detailed in the MJRR, the recommendation comes after plaintiff was directed to obtain new counsel or proceed pro se, was deemed to be proceeding pro se, failed to file documents, and failed to respond to the magistrate judge's order to show cause why the case should not be dismissed for failure to prosecute. Mail sent to the two (2) addresses on file for plaintiff has been returned as undeliverable.

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. This case is DISMISSED WITH PREJUDICE for failure to prosecute and because substantial evidence supports the Commissioner's decision.

SO ORDERED.

Dated: July 15, 2016
Detroit, Michigan

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE